

**BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In Re:

EMERGENCY AUTHORIZATION FOR ACTIONS                      OGC Case No.: 01-0467  
FOR PUBLIC WATER SYSTEMS MADE  
NECESSARY BY SEVERE DROUGHT

\_\_\_\_\_ /

**EMERGENCY FINAL ORDER**

Under Section 120.569(2)(1) of the Florida Statutes, the State of Florida Department of Environmental Protection (the Department) enters the following Emergency Final Order for public water systems as defined by subsection 403.852(2) of the Florida Statutes, including findings of fact and conclusions of law, made necessary because of the severe drought across much of the state.

**FINDINGS OF FACT**

1. The drought has lowered both ground and surface water levels to record or near record lows. Suppliers of water that rely on good quality raw water for drinking water have experienced a decrease in their water quality from either saline water intrusion or other factors directly resulting from the drought.

2. Specifically, that water quality has or may in the near future, cause some suppliers of water to not meet the drinking water standards for chloride, sulfate, total dissolved solids (TDS), and possibly other parameters with secondary drinking water standards, and sodium in the water they supply to the public.

3. The Department finds that the expected increased levels of those drinking water contaminants do not cause a public health concern so long as the alternate levels for the specified contaminants listed in paragraph C below are not exceeded.

4. The Department finds that emergency authorization for public water systems to meet alternative levels listed in paragraph C below, or to exceed other secondary standards, will be necessary for as long as the drought continues, or until December 31, 2001, whichever occurs first.

#### CONCLUSIONS OF LAW

1. Section 120.569(2)(n) of the Florida Statutes gives the Department the authority to issue an emergency final order if as agency head, I find that an immediate danger to the public health, safety, or welfare so requires and the order recites with particularity the facts underlying that conclusion.

2. Based on the findings recited above, I find and conclude that the emergency caused by the extreme drought conditions requires an immediate order of the Department to protect the public health, safety, or welfare.

#### THEREFORE, IT IS ORDERED:

A. Each affected system that intends to operate under this order must notify in writing the appropriate Department District office or approved county health department that it intends to use the authorization contained herein and will abide by the conditions set forth below.

B. Public water systems whose raw water sources have degraded because of the drought are hereby authorized to exceed

the secondary drinking water standards and sodium in their finished water. Alternative levels in paragraph C below shall not be exceeded, nor shall any primary drinking water standard other than sodium be exceeded. These public water systems shall operate in accordance with all other applicable rule requirements, except as described in the below.

C. The alternate levels for the specified contaminants are: TDS 1200 mg/L, chlorides 500 mg/L, sulfates 500 mg/L, pH 6.5 to 9.0, and sodium 300 mg/L.

D. Each affected public water system shall monitor for the parameters covered by this order (any secondary drinking water standards and sodium) exceeded in its finished water monthly, and submit the results to the Department District Office or approved county health department, as appropriate.

E. Each affected public water system shall provide public notice of the exceedances one time within thirty days after the exceedance is discovered in the manner required for public notice of maximum contaminant level violations.

F. Each affected public water system shall monitor for other regulated contaminants, applicable to the type of public water system, one time within 90 days of this order. All other sampling and analyses requirements for those contaminants contained in chapter 62-550 of the Florida Administrative Code shall be followed. The results must be submitted, within five days of the water system's receipt, to the Department District Office or approved county health department, as appropriate.

G. If any of the regulated contaminants described in paragraph E above are exceeded, a confirmation sample must be taken and submitted for analysis within five days. If the confirmation sample also indicates an exceedance of a maximum contaminant level other than for the secondary drinking water standards and sodium, the public water system shall submit to the appropriate Department District Office or approved county health department a plan to address the exceedance, and any required drinking water construction permit applications. The specifics of the plan will be addressed by the appropriate Department District or approved county health department if the plan requirement becomes necessary.

H. The Department issues this Emergency Final Order solely to address the emergency created by the severe drought conditions. This order shall not be construed to authorize any activity within the jurisdiction of the Department except in accordance with the express terms of this order.

I. Nothing in this order shall eliminate the necessity for obtaining any other federal, state, or local permits or other authorizations that may be required.

J. This Emergency Final Order shall take effect immediately.

#### NOTICE OF RIGHTS

Any party adversely affected by this Emergency Final Order has the right to seek judicial review under section 120.68 of the Florida Statutes, by filing a notice of appeal under rules 9.110 and 9.190 of the Florida Rules of Appellate Procedure, with the

clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice with the appropriate district court of appeal, along with the required filing fee. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department.

DONE AND ORDERED on this \_\_\_\_\_ day of \_\_\_\_\_ 2001 in Tallahassee, Leon County, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENT PROTECTION

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David. B. Struhs  
Secretary

3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000  
Telephone: 850/488-1554

**FILING AND ACKNOWLEDGMENT FILED**, on this date, pursuant to § 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.

\_\_\_\_\_  
Clerk  
Date

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of this EMERGENCY FINAL ORDER was sent by facsimile to the persons listed below, on this 10th day of April 2001.

Peggy King  
Paralegal  
City of Punta Gorda Legal Department  
FAX 941/575-3310

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION

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